SINGLE BENCH

(1) (3)

C. 5,100/-

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 1868 OF 2005

PETITIONER

Ashok Kumar Chandrakar, Son of Shri S.P. Chandrakar, Aged about 42 years, Principal Government High School, Khallari, District Durg (C.G.)

VERSUS

RESPONDENTS

1. The State of Chhattisgarh, Through the Secretary, Tribal Welfare Department, D.K.S. Bhawan, Raipur (C.G.)

2. The Collector, District Durg (C.G.)

3. The Assistant Commissioner, Tribal Development, Durg (C.G.)

4. Shri Dinesh Kumar Sahu, Principal, Sindhi Bhawan, Near Bus Stand, Balod, District Durg (C.G.)

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6-5-05
CLERK to A. G. BILASPUR

P.R. No. 2061/05
Presented by Shri O.P. Yadav
dated 06.05.05

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(34)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक .....wp no. 1868/05... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

11-5-2005

Shri S.C. Verma, counsel for the petitioner.

Shri Bhaskar Pyasi, Panel Lawyer for the State/respondents No.1 to 3.

By the instant petition the petitioner has questioned the legality and propriety of the order dated 26-4-2005 (Annexure-P/1) whereby the petitioner has been transferred from his place of posting that is Khallari to Higher Secondary School, Kuwangondi, District Durg.

The case of the petitoner is that earlier he was working at Kusumkasa where the petitioner's wife is also working as Government employee on the post of teacher. However, the petitioner was transferred from Kusumkasa to Khallari vide Annexure-P/2 dated 24-9-2004 and pursuant to that order the petitioner joined in the month of December. Within a period of 4 months the petitioner has again been transferred from Khallari to Kuwangondi which is 50 km away from the place of posting of his wife. As per the policy the husband and wife are required to be posted at one place.

Learned counsel for the petitioner submitted that this is a case not only against the policy, but it is a short-term transfer. In the ordinary course, as per the policy the Government employee ought to

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मामला क्रमांक WP 1868/05 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

have been allowed to continue for three years at one place of posting. In the circumstances, learned counsel further submitted that the petitioner may be allowed to make a detailed representation to respondent No.1 and respondent No.1 be directed to consider the case of the petitioner either to post him at Kusumkasa or in the nearby area so that he can remain with his family, if it is not possible, then respondent No.1 can consider posting of his wife at the present place of posting of the petitioner to which counsel for respondents No.1 to 3 has no objection.

Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and also looking to the limited request made by learned counsel for the petitioner which appears to be just and fair, the petitioner is allowed to make a detailed representation along with copy of this petition to respondent No.1 within a period of 10 days from today, and the petitioner can also raise the points which was advanced by learned counsel for the petitioner during the course of the arguments, and in turn respondent No.1 will decide the representation of the petitoner within a period of one month from the date of receipt of the representation after considering all the points raised by the petitoner in an objective manner in accordance with law. In the meantime, if the petitioner is

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मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	not relieved from the present place of posting, then he should not be relieved till the decision of the representation. With the direction aforesaid, the petition stands disposed of. Consequently, M.(W.)P. No.1444/2005 and I. A. No.3511/2005 also stand disposed of. Parties are entitled for certified copy of this order. Sd/- L.C.BHADOO Judge	